

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON**

**PENNY KENNEDY,  
RAYMOND KENNEDY  
Individually and as guardians  
and next friends of TREVOR KENNEDY,  
an infant under the age of eighteen**

**Plaintiffs,**

**v.**

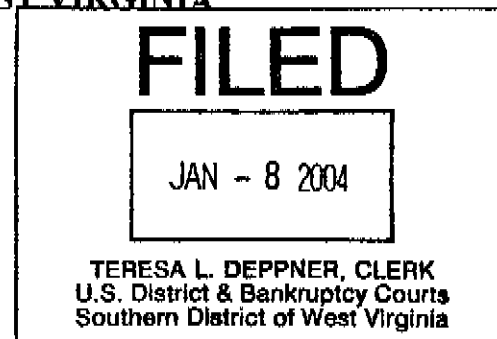
**CIVIL ACTION NO. 2:03-0175  
Charles Haden, II, Judge**

**UNITED STATES OF AMERICA,  
COMMUNITY HEALTH FOUNDATION  
OF MAN, WEST VIRGINIA, INC., and  
DR. PLARIDEL TORDILLA, individually,  
CHARLESTON AREA MEDICAL CENTER, INC.,  
d/b/a WOMEN AND CHILDREN'S HOSPITAL OF  
WEST VIRGINIA, d/b/a WOMEN AND CHILDREN'S  
HOSPITAL, d/b/a CAMC CHILDREN'S HOSPITAL,  
d/b/a CAMC WOMEN'S HOSPITAL, d/b/a CAMC  
WOMEN AND CHILDREN'S HOSPITAL,  
INPHYNET HOSPITAL SERVICES, INC.,  
a foreign corporation, doing business  
IN the state of West Virginia, and DR. GORDON J. GREEN,  
individually,**

**Defendants.**

**NOTICE OF DEPOSITION DUCES TECUM**

PLEASE BE ADVISED that, pursuant to the West Virginia Rules of Civil Procedure, on the **21<sup>st</sup> day of January, 2004** , the undersigned will take the deposition of **Dr. James Burns**, commencing at **1:00 p.m.** at **Ruby Memorial Hospital, 4<sup>th</sup> Floor,**




**Conference Room 6, Medical Center Drive, Morgantown, WV 26506** before a person authorized by law to administer oaths and will continue from hour to hour until completed for the purposes of discovery. Dr. Burns is required to bring his entire file of Trevor Kennedy with him to the deposition, including x-rays, films and slides, that he has maintained in his office. You are invited to appear to protect your interests.

**GORDON J. GREEN AND  
INPHYNET HOSPITAL SERVICES, INC.**

By counsel.

**SHUMAN, McCUSKEY & SLICER, PLLC**  
1411 Virginia Street East, Suite 200  
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Charleston, West Virginia 25339  
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By:

  
David L. Shuman WVSb No. 3389  
Karen Tracy McElhinny WVSb No. 7517

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**CERTIFICATE OF SERVICE**


I, David L. Shuman/Karen Tracy McElhinny do here by certify that I served true and exact copies of the foregoing *Notice of Deposition Duces Tecum* of Dr. James Burns on all counsel of record via the United States Postal Service in a stamped envelope addressed as follows:

Samuel A. Hrko, Esquire (7727)  
The Segal Law Firm  
810 Kanawha Boulevard, East  
Charleston WV 25301  
*Counsel for Plaintiffs*

Cheryl Eifert, Esquire (1111)  
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Charleston, WV 25336  
*Counsel for Charleston Area Medical Center*

Stephen M. Horn, Esquire (1788)  
Assistant United States Attorney  
P.O. Box 1713  
Charleston, WV 25326  
*Counsel for United States*

Dated this 7<sup>th</sup> day of January, 2004.

  
\_\_\_\_\_  
David L. Shuman, Esq. (WVSB 3389)  
Karen Tracy McElhinny, Esq. (WVSB #7517)